

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 5, 2006. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. Claims 1-23 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 103 REJECTIONS

Claims 1-16 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,527,775 issued to Flowers (hereinafter “*Flowers*”). Claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flowers* in view of U.S. Patent No. 2,812,921 issued to Leith (hereinafter “*Leith*”). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 11 and 16 are independent. Applicant respectfully submits that *Flowers* does not disclose, teach or suggest the limitations on independent Claim 1, 11 and 16. For example, independent Claim 1 recites “a housing adapted to magnetically couple to an object disposed within an enclosure through a wall of the enclosure, the magnetic couple supporting the housing adjacent the wall of the enclosure” and “a roller assembly coupled to the housing and adapted to provide rolling movement of the housing relative to the enclosure in response to movement of the object toward an opening formed in the enclosure” (emphasis added). In the Office Action, the Examiner appears to arbitrarily modify various characteristics of the *Flowers* device to arrive at Applicant’s claimed invention without any suggestion or motivation for doing so other than Applicant’s disclosure, which is improper. For example, *Flowers* discloses a magnetic tool 40 having a handle 48 “which allows the tool to me manually grasped by an operator and rolled along wall 24” (*Flowers*, column 3, lines 15-18) (emphasis added). Further, *Flowers* recites:

With the magnet energized, the operator rolls the tool along wall 24 toward opening 28. . . . The operator continues to roll the tool until the roller 38 has been brought to the point of access 28.

(*Flowers*, column 3, lines 32-34 and lines 44-46) (emphasis added). Thus, there is clearly no motivation or suggestion to modify the *Flowers* device as suggested by the Examiner at least because the *Flowers* device is designed to be held by an operator against a wall and rolled along the wall by the operator. Thus, there is no motivation or suggestion to modify the *Flowers* device such that the “magnetic couple support[s] the housing adjacent the wall of the enclosure” as recited by Applicant’s independent Claim 1. Further, there is clearly no motivation or suggestion to modify the *Flowers* device such that the *Flowers* housing moves along the wall “in response to movement of the object [within the enclosure]” as recited by Claim 1. Nor does *Flowers* disclose or even suggest that any movement of an object within a wall would cause a responsive movement of the *Flowers* device relative to the wall to draw the object toward an opening in the wall. To the contrary, *Flowers* teaches the opposite, namely, that an operator moves the Flowers device in order to draw the object toward an opening. Accordingly, for at least these reasons, Applicant respectfully submits that independent Claim 1 is patentable over the *Flowers* reference.

Further, the Examiner provides no basis for the modifications proposed to the *Flowers* device. To the contrary, the Examiner arbitrarily modifies the *Flowers* device to arrive at Applicant’s claimed invention without providing any basis or reasoning as to why one would so desire to modify the *Flowers* device as suggested by the Examiner other than it would be obvious to do so. Applicant respectfully submits that the Examiner’s statements merely beg the question; they offer none of the required showings in support of their conclusions; and reliance on such statements to reject the claims under 35 U.S.C. § 103 is clearly impermissible under the M.P.E.P and the courts.

Further, the Examiner fails to consider Claim 1 as a whole. For example, the Examiner appears to focus only on specific limitations of Claim 1 and states that it would be obvious to modify the *Flowers* device to provide such limitations while apparently ignoring the structural

and/or functional limitations of Claim 1 as a whole. For example, Claim 1 recites, generally, that the housing is supported on a wall of an enclosure by the magnetic force between the the housing and an object within the enclosure, and that the housing is moved toward an opening in the enclosure in response to movement of the object within the enclosure. In contrast, the principle of operation of the *Flowers* device is based on an operator physically moving the housing. Therefore, for at least this reason also, Applicant respectfully submits that independent Claim 1 is patentable over the *Flowers* reference.

Independent Claim 11 recites “means for magnetically coupling a housing disposed outside of an enclosure to an object disposed within the enclosure through a wall of the enclosure, the magnetic coupling means supporting the housing adjacent the wall of the enclosure” and “means for enabling rolling movement of the housing relative to the enclosure in response to movement of the object toward an opening formed in the enclosure” (emphasis added), and independent Claim 16 recites “an object adapted to be disposed within an enclosure” and “a line retriever adapted to magnetically couple to the object through a wall of the enclosure, the line retriever adapted to move relative to the enclosure in response to movement of the object within the enclosure to draw the object toward an opening formed in the enclosure” (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicants respectfully submit that independent Claims 11 and 16 are also patentable over the *Flowers* reference.

Claims 2-10, 12-15 and 17-23 depend respectively from independent Claims 1, 11 and 16. Claims 1, 11 and 16 are patentable over the applied *Flowers* reference and, therefore, Claims 2-10, 12-15 and 17-23 that depend respectively therefrom are also patentable. Moreover, at least with respect to Claims 17-19, *Leith* does not appear to remedy, nor did the Examiner rely on *Leith* to remedy, at least the deficiencies of the *Flowers* reference indicated above. Therefore, Applicants respectfully request allowance of Claims 1-23.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C, referencing attorney docket No. 6325.4-1.

Respectfully submitted,

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